

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOE BAL TAS, *On his or behalf and on behalf of a Class of Similarly Situated Persons,* *

Plaintiffs,

v.

KEEFE COMMISSARY NETWORK, LLC, et al.,

Defendants.

Civil Action No. 21-cv-10105-ADB

ORDER

BURROUGHS, D.J.

On May 13, 2021, the Court dismissed this action for lack of subject matter jurisdiction [ECF #7]. No filing fee was assessed, and the dismissal was without prejudice. Plaintiff Joe Baltas has since filed alternative motions for reconsideration [ECF #9] or to reopen the case and transfer it state court [ECF #10]. For the reasons stated below, the Court DENIES both motions.

In the motion for reconsideration, Baltas asserts that the Court has subject matter jurisdiction over this matter pursuant to the Court's authority under 28 U.S.C. § 1367 to exercise supplemental jurisdiction. However, *supplemental* jurisdiction only exists when there is a claim over which the Court may exercise *original* jurisdiction under 28 U.S.C. § 1331 (federal subject matter jurisdiction) or § 1332 (diversity subject matter jurisdiction). The Court held in its order dismissing this action that Baltas did not state a claim arising under federal law, and, in the present motion for reconsideration, Baltas appears to concede the same.

Even assuming complete diversity of state citizenship (or state of domicile) exists between Baltas and all the defendants, the Court does not have original subject matter jurisdiction under § 1332. The Court cannot reasonably infer that the amount in controversy for

Baltas's individual claims exceeds \$75,000, even if he is seeking damages in excess of that amount. Further, the Court cannot reasonably infer that the damages of the proposed class—Massachusetts DOC prisoners who used the Massachusetts DOC order form to order a certain tablet costing \$139—would exceed \$5 million.

The Court must deny the motion to reopen and transfer [ECF #10] because the Court is without jurisdiction to transfer an action that originated in federal court to a state court. If Baltas wishes to pursue his claim(s) under Massachusetts law, he may commence a new action in the appropriate state court.

IT IS SO ORDERED.

6/17/2021
DATE

/s/ Allison D. Burroughs
UNITED STATES DISTRICT JUDGE